

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IOAN GHILDUTA

Plaintiff,

-against-

04 CV 7494 (BSJ) (GWG)

THE TRUMP CORPORATION and MICHAEL P.  
FISHMAN, as President of LOCAL 32B-32J,  
SERVICE EMPLOYEES INTERNATIONAL  
UNION, AFL-CIO

ECF Case

Defendants.  
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**LOCAL 32BJ'S RESPONSE TO PLAINTIFF'S RULE 56.1 STATEMENT**

Pursuant to Rule 56.1 of the Civil Rules of this Court, Defendant Michael P. Fishman, as President of Local 32B-32J, Service Employees International Union, AFL-CIO ("Local 32BJ" or "Union") submits this statement in response to Plaintiff's Rule 56.1 Statement<sup>1</sup>:

**Paragraph 22:** Local 32BJ denies the allegations in Paragraph 22. Ghilduta Dep. 106-08, 142-43<sup>2</sup>.

**Paragraph 30:** Local 32BJ denies the allegations in Paragraph 30. *Id.* at 188-94, 196-97, 264, 306-08 & Exhibit E; Ghilduta Affidavit, Exhibit E.

**Paragraph 32:** Local 32BJ denies the allegations in Paragraph 32. Ghilduta Dep. 276-81, 289-94, 296-97, 307-08.

**Paragraph 39:** Local 32BJ denies the allegations in Paragraph 39. Ghilduta Dep. 188-94, 196-97, 276-81, 306-08.

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<sup>1</sup> Plaintiff's 56.1 Statement is incorporated into its Response to Local 32BJ's 56.1 Statement, and contains affirmative statements in Paragraphs 22, 30, 32, 39, and 52-58.

<sup>2</sup> The relevant portions of the deposition of Ioan Ghilduta are annexed as Exhibit A to the affidavit of Katchen Locke, which is attached hereto.

**Paragraph 52:** Local 32BJ denies the allegations in Paragraph 52. Ghilduta Dep. 191-94, 196-97, 306-08.

**Paragraph 53:** Local 32BJ denies the allegations in Paragraph 53. November 1, 2005 Affidavit of Plaintiff Ioan Ghilduta, ¶5-9; Ghilduta Dep. 276-81.

**Paragraph 54:** Local 32BJ denies the allegations in Paragraph 54, and affirmatively asserts that Plaintiff testified fully about the alleged bribery during his arbitration, and failed to identify any questions he wanted the Union attorneys<sup>3</sup> to ask on cross-examination but they failed to ask. Ghilduta Dep. 289-94, 296-97.

**Paragraph 55:** Local 32BJ lacks information or knowledge sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 55, and affirmatively asserts that Plaintiff failed to identify any questions he wanted the Union attorneys to ask on cross-examination but they failed to ask, and Plaintiff testified fully about the alleged bribery during his arbitration hearing. *Id.*

**Paragraph 56:** Local 32BJ denies the allegations in Paragraph 56. *Id.* at 293-94.

**Paragraph 57:** Local 32BJ lacks information or knowledge sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 57.

**Paragraph 58:** Local 32BJ denies the allegations in Paragraph 58. *Id.* at 293-94.

Dated: New York, New York  
November 16, 2005

Office of the General Counsel

By: s/-  
Katchen Locke, Esq. (KL 3724)  
Associate General Counsel  
Service Employees International Union,  
Local 32BJ

<sup>3</sup> Ms. Schulman passed away prior to the filing of this action.

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